

# **Housing and Development (Polling for Upgrading Works) (Amendment) Rules 2006**

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**No. S 408**

**HOUSING AND DEVELOPMENT ACT  
(CHAPTER 129)**

**HOUSING AND DEVELOPMENT (POLLING FOR UPGRADING WORKS)  
(AMENDMENT) RULES 2006**

In exercise of the powers conferred by section 65K of the Housing and Development Act, the Minister for National Development hereby makes the following Rules:

**Citation and commencement**

**1.** These Rules may be cited as the Housing and Development (Polling for Upgrading Works) (Amendment) Rules 2006 and shall come into operation on 10th July 2006.

**Amendment of rule 2**

**2.** Rule 2(1) of the Housing and Development (Polling for Upgrading Works) Rules

(R 7) (referred to in these Rules as the principal Rules) is amended —

- (a) by inserting, immediately after the words “part of a building” in the definition of “building”, the words “and any part of 2 or more buildings”;
- (b) by inserting, immediately after the words “or a building” in the definition of “poll”, the words “or buildings”;
- (c) by deleting the definition of “special poll” and substituting the following definition:

““special poll”, in relation to any building or any 2 or more buildings within a precinct, means a poll conducted under section 65C(1A) of the Act with a view to establishing the opinion of owners of beneficiary flats in that building or those buildings, as the case may be, about any proposal to carry out special upgrading works in that building or for those buildings;” and

- (d) by inserting, immediately after the words “in a building” in the definition of “special register”, the words “or for 2 or more buildings”.

### **Deletion and substitution of rule 2A**

3. Rule 2A of the principal Rules is deleted and the following rule substituted therefor:

#### **“Beneficiary flats of special upgrading works**

**2A.** Where any special upgrading works comprise items of works necessary or ancillary to installing any lift or lift landing or any additional lift or lift landing in a building or for 2 or more buildings, the beneficiary flats in relation to those special upgrading works shall be all flats in the building or those buildings, as the case may be, other than —

- (a) flats on the ground level;
- (b) flats on the same level of such lift landings as are existing in that building or those buildings before the commencement of the special poll relating to those special upgrading works; and
- (c) flats which, after the completion of the special upgrading works in that building or those buildings —
  - (i) are at least one whole storey above or below any lift landing in the building or buildings; or

- (ii) are in a part of any of the buildings to which there is no direct access from any level (except ground level) of the building or buildings where those special upgrading works are carried out.”.

### **Amendment of rule 3**

#### **4. Rule 3 of the principal Rules is amended —**

- (a) by deleting paragraph (1A) and substituting the following paragraph:

“(1A) Where there is any proposal to carry out special upgrading works in a building or for 2 or more buildings within a precinct, the Board shall prepare a special register of owners of beneficiary flats in the building or buildings, as the case may be, in relation to those works, entering the names and addresses of all persons who —

- (a) are owners of beneficiary flats in the building or buildings, as the case may be, in relation to those special upgrading works or are entitled to have their names entered in the register as owners of such flats; and
- (b) are not disqualified under rule 5 from voting at the special poll relating to those special upgrading works.”; and

- (b) by deleting the words “in a building” in paragraph (3).

### **Amendment of rule 4**

5. Rule 4 (6) of the principal Rules is amended by inserting, immediately after the words “in a building” in sub-paragraph (a), the words “or for 2 or more buildings, as the case may be,”.

### **Amendment of rule 6**

#### **6. Rule 6 of the principal Rules is amended —**

- (a) by inserting, immediately after the words “in a building” in paragraphs (1A) and (2), the words “or for 2 or more buildings”; and
- (b) by deleting the words “in that building” in paragraphs (1A) and (2).

### **Amendment of rule 7**

7. Rule 7 of the principal Rules is amended —

- (a) by inserting, immediately after the words “in a building” in paragraph (1A), the words “or for 2 or more buildings”; and
- (b) by deleting paragraph (4) and substituting the following paragraph:

“(4) Subject to the provisions of these Rules, every registered owner whose name appears in a special register for any special upgrading works in a building or for 2 or more buildings within a precinct shall, for the purposes of a special poll relating to those special upgrading works, have —

- (a) in the case of a common registered owner of more than one beneficiary flat within the building or buildings, as the case may be — one vote in respect of all those flats; and
- (b) in any other case — a number of votes equal to the number of beneficiary flats in the building or buildings, as the case may be, in respect of which he has been registered as an owner.”.

**Amendment of rule 7A**

8. Rule 7A of the principal Rules is amended by deleting paragraph (3A) and substituting the following paragraph:

“(3A) For the purposes of a special poll relating to any special upgrading works in a building or for 2 or more buildings within a precinct, the vote of every registered owner entitled to vote in that special poll shall have a value as follows:

- (a) where the Board is the registered owner —
  - (i) of any beneficiary flat that is a residential flat — one, notwithstanding it being the common registered owner of more than one such residential beneficiary flat within that building or those buildings, as the case may be; or
  - (ii) of any beneficiary flat that is a non-residential flat — a number equal to the number of such non-residential flats in the building or buildings, as the case may be, in respect of which the Board has been registered as owner in the special register in operation for those special upgrading works; and
- (b) in the case of any other registered owner of a beneficiary flat within the building or buildings (regardless of the flat being residential or